IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

LA.App.No. 417 of 2004(D)

LAR.87/1999 of PRINCIPAL SUB COURT,ATTINGAL
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.
SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL

RESPONDENTS:
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1. **K.RAJENDRAN NAIR,**
ILAMKULATHU VEEDU, MELKADAKKAVOOR,
CHIRAYANKEEZH.

2. **SYAMALA R.NAIR,**
ILAMKULATHU VEEDU, MELKADAKKAVOOR,
CHIRAYANKEEZH.

BY ADV. SRI.T.S.RADHAKRISHNA PILLAI
SRI. T.R. RAJEEV

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 417 OF 2004

Dated this the 8th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 87/1999 on the file of the Sub Court, Attingal. Acquisition is for the purpose of doubling of railway line.

2. The reference court found that, on a comparison with the property acquired as per Exhibit A4 award of the Land Acquisition Officer, the property involved in this case is much better. There is a road on the side of the entire property. Such facility is not available in the property acquired as per Exhibit A4. The Advocate Commissioner also reported that the acquired property is better than the property involved in Exhibit A4. That report is not challenged also.

Under such circumstances, the reference court safely relied on Exhibit A4 and fixed the land value at the rates awarded in Exhibit A4. The method adopted by the reference court thus

being just and proper and the land value fixed being the proper value, there is no merit in the appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp